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7 UNITED STATES DISTRICT COURT
8 WESTERN DISTRICT OF WASHINGTON
9 AT SEATTLE

10 SAM LOUIE,

11 Plaintiff,

12 v.

13 PIAGGIO GROUP AMERICAS,
14 INC.,

15 Defendant.

CASE NO. C18-0979JLR

ORDER TO SHOW CAUSE

16 The court has reviewed Defendant Piaggio Group Americas, Inc.’s (“Piaggio”)
17 notice of removal and finds an insufficient basis for subject matter jurisdiction. (*See* Not.
18 of Rem. (Dkt. # 1).) The court therefore ORDERS Piaggio to show cause within fourteen
19 (14) days why this matter should not be remanded for lack of subject matter jurisdiction.

20 Piaggio asserts that the court’s subject matter jurisdiction is based on diversity of
21 citizenship under 28 U.S.C. § 1332. (*See id.* at 2-3.) Section 1332 provides that the
22 district courts “shall have original jurisdiction of all civil actions where the matter in

1 controversy exceeds the sum or value of \$75,000[.00] . . . and is between citizens of
2 different states.” 28 U.S.C. § 1332. The removing defendant must show that the amount
3 in controversy exceeds \$75,000.00.¹ See 28 U.S.C. §§ 1332(a), 1446(c); *Geographic*
4 *Expeditions, Inc. v. Estate of Lhokta*, 599 F.3d 1102, 1106-07 (9th Cir. 2010). In general,
5 the defendant’s notice of removal need include only a plausible allegation that the
6 amount in controversy exceeds the jurisdictional threshold. *Dart Cherokee Basin*
7 *Operating Co. v. Owens*, --- U.S. ---, 135 S. Ct. 547, 553-54 (2014). If the court
8 questions the removing defendant’s allegations regarding the amount in controversy,
9 however, the defendant must demonstrate by a preponderance of the evidence that more
10 than \$75,000.00 is in controversy. See *id.* (citing 28 U.S.C. § 1446(c)(2)(B));
11 *Geographic Expeditions*, 599 F.3d at 1106-07 (citing *Gaus v. Miles, Inc.*, 980 F.2d 564,
12 566-67 (9th Cir. 1992)). Here, the court questions the sufficiency of Piaggio’s allegations
13 about the amount in controversy.

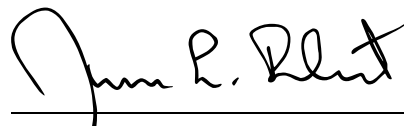
14 Mr. Louie’s lawsuit arises from mechanical problems with a used Vespa scooter
15 he purchased on October 5, 2015. (Compl. (Dkt. # 1-2) ¶¶ 2.3-2.10.) Mr. Louie brings
16 claims against Piaggio for negligence (*id.* ¶¶ 3.1-3.4); violation of Washington’s Auto
17 Dealers Act, RCW ch. 46.70 (*id.* ¶¶ 3.5-3.9); violation of Washington’s Consumer
18 Protection Act, RCW ch. 19.86, *et seq.* (*id.* ¶¶ 3.10-3.12); and false, deceptive, and
19 misleading advertising (*id.* ¶¶ 3.13-3.14). Piaggio contends that based on its counsel’s

21 ¹ Piaggio improperly shifts its burden to Plaintiff Sam Louie by inviting him to “advise
22 the [c]ourt” if the amount in controversy is not met. (See Not. of Rem. at 3 (“If Piaggio’s
assessment of the alleged damages is incorrect, Piaggio welcomes [Mr. Louie] to advise the
[c]ourt otherwise.”).)

1 experience defending similar claims and prior discussions with Mr. Louie's counsel,
2 Piaggio is "confident" that more than \$75,000.00 is in controversy. (Not. of Rem. at 3.)
3 The court is not as confident. Even though some of Mr. Louie's claims allow him to
4 recover treble damages, it is not clear that—even when tripled—the damages stemming
5 from repair costs for a used scooter exceed \$75,000.00. In addition, Piaggio incorrectly
6 includes prejudgment interest in its calculation. (*See id.*); 28 U.S.C. § 1332(a) (stating
7 that the amount in controversy is "exclusive of interest and costs"). For those reasons,
8 the court questions whether this lawsuit implicates an amount exceeding \$75,000.00.

9 Thus, the court ORDERS Piaggio to show cause why the court should not remand
10 for lack of subject matter jurisdiction. Piaggio must file its response within fourteen (14)
11 days of the date of this order. Mr. Louie may, but is not required to, respond by the same
12 date. If Piaggio fails to respond or otherwise demonstrate the required amount in
13 controversy, the court will remand this matter to King County Superior Court.

14 Dated this 19th day of July, 2018.

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17 JAMES L. ROBART
18 United States District Judge
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